

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civ. No. 14-sc-3220 (JRT/KMM)

UNITED STATES OF AMERICA, ex rel.
RYAN MESAROS,

Plaintiff,

v.

CVS CAREMARK CORPORATION, CVS
PHARMACY, INC., CAREMARK, LLC,
and CAREMARK MINNESOTA
SPECIALTY PHARMACY HOLDING,
LLC,

Defendants.

RECEIVED
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CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

**NOTICE TO UNSEAL CLOSED
CASE**

In 2017, the Relator filed a motion to voluntarily dismiss this matter (Docket #29). On August 15, 2017, the Court granted the motion and dismissed the case without prejudice. The case remains under seal.

The False Claims Act permits the United States to apply for extensions of time, for good cause shown, during which the Complaint remains under seal and the United States continues its investigation of the Relator's allegations. The applicable section of the False Claims Act provides:

The Government may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under paragraph (2).

31 U.S.C. § 3730(b)(3).

Following the United States' investigation, False Claims Act cases are intended to eventually come out from under seal and become public. The purpose of the seal is to permit the government to investigate, but the seal is not intended to be permanent.

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U.S. DISTRICT COURT MPLS

judicial system has a "strong tradition of access to judicial proceedings." *Johnson v. Greater Southeast Community Hosp. Corp.*, 951 F.2d 1268, 1277 (D.C. Cir. 1991); *see also Wilson v. American Motors Corp.*, 759 F.2d 1568, 1570 (11th Cir. 1985) (presumption in favor of openness based on the rights of the public, which are preserved "by prohibiting closure of public records, unless unusual circumstances exist").

The Government therefore requests that the relator's Amended Complaint, relator's motion to dismiss and the order granting dismissal, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

The relator has been notified that the government plans to seek this relief, and has no objection. A proposed order accompanies this notice.

Dated: August 30, 2018

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